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*ADMITTED IN NY & NJ

March 23, 2022

VIA ECF

The Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Daryll Warner, 13 CR 402 (WFK)

Your Honor:

I write to request that the defendant be granted the authority to obtain from Pretrial Services his expired passport in order to apply for a renewed passport. Upon receipt of the new passport, the defendant intends to travel to his home in Trinidad, in order to visit family.

I have spoken to AUSA Samuel Nitze and I have been informed that the Government does not object to this application. In addition, it is my understanding that the Government will consent to the defendant's travel request once an appropriate itinerary is produced.

Background

In 2013, both the defendant and his brother were arrested upon disembarking from a flight that originated in Trinidad.

On July 15, 2013, the defendant pled guilty to a two-count information charging wire fraud and structuring financial transactions to evade currency reporting requirements. 18 U.S.C. § 1343; 31 U.S.C. §§ 5324(a)(3), (d)(2). The defendant's plea of guilty was entered pursuant to an agreement with the Government pursuant to guidelines §5K1.1

The defendant's principal bail conditions include limited travel among Manhattan, Brooklyn, Broward County (Florida), and Miami-Dade County (Florida). The defendant has surrendered his passports, pre-emptively waived extradition, and executed a \$5,000,000 personal appearance bond secured by various real property.

During the period of almost nine years that the defendant has been held subject to conditions of bail, he has been fully compliant with all conditions. During this period, he has been permitted to travel home to Trinidad and has returned without incident. Most recently, in July 2021, the Court permitted the defendant to obtain his now-expired passport for the purpose of obtaining identification necessary for a driver's license and in order to be vaccinated against COVID-19. The expired passport was returned in accordance with the Court's order.

The instant application is made in order to enable Mr. Warner to renew his passport and to travel, once again, to his home in Trinidad. Upon renewing his passport and arranging an itinerary for the trip, it is our intention to make a bail application in order to permit Mr. Warner to travel home. It is my understanding that the Government is prepared to consent to this application.

Conclusion

For all the reasons set forth herein, we respectfully request that the defendant be permitted to obtain from Pretrial Services his currently expired passport.

Most respectfully,

/S/

Maurice H. Sercarz

cc: AUSA Samuel Nitze (by ECF)

SO ORDERED,

THE HONORABLE WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK